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Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1925 (2010), by which the Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 30 June 2010; decided that, as from 1 July 2010, the Mission should bear the title United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO); and extended the mandate of MONUSCO until 30 June 2011. By paragraph 20 of that resolution, the Council requested that I report, by 21 January 2011, on the progress on the ground and on the assessment conducted jointly with the Congolese authorities regarding the implementation of the objectives set out in paragraph 6 of the resolution. The present report covers developments that occurred during the period between the issuance of my report of 8 October 2010 (S/2010/512) and 13 January 2011.

II. Major developments

2. While the overall situation in most of the Democratic Republic of the Congo remained relatively stable during the reporting period, the conflict in the eastern part of the country persisted, with violent, mostly small-scale attacks carried out against civilians by foreign and Congolese armed groups. A number of human rights violations were also committed by some elements of national security forces. The integration of former Congolese armed groups into the Forces Armées de la République Démocratique du Congo (FARDC) remained tenuous, and some FARDC units, mostly those composed of recently integrated elements, continued mining activities despite the Government's mining ban. MONUSCO took further steps to enhance its efforts to protect civilians, improving communication with local populations and enhancing early warning. To strengthen the protection of civilians in particularly vulnerable areas, the Mission conducted several military operations closely coordinated with FARDC.

3. After reported desertions and renewed recruitments by elements of former Congolese armed groups who had previously integrated into FARDC, the Government initiated some steps towards the resumed implementation of the

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23 March 2009 agreements. Further progress was made in implementing the Government's stabilization and reconstruction plan for the eastern Democratic Republic of the Congo. However, there was limited progress with regard to security sector reform, in particular concerning the training of FARDC.

4. The reaffirmation by the President, Joseph Kabila, of his Government's commitment to hold general elections in 2011 was accompanied by continued preparations for the elections. Political parties began to prepare for the elections, with two prominent political figures, Etienne Tshisekedi and Vital Kamerhe, expressing their intention to run for the presidency. However, delays in the voter registration process and with respect to the adoption of essential legislation posed challenges to the timely holding of the polls.

North and South Kivu provinces

5. FARDC conducted unilateral military operations against the Forces démocratiques de libération du Rwanda (FDLR), the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF-NALU) and residual Congolese armed groups, which were not supported by MONUSCO. In North Kivu, the main theatres of operations were in Walikale and Lubero territories, whereas in South Kivu the focus was on Fizi, Uvira and Shabunda territories. FARDC also conducted joint operations with MONUSCO in some of those areas in the context of Operation Amani Leo and in accordance with the conditionality policy.

6. In North Kivu between 18 and 22 December, MONUSCO conducted Operation Usalama Wa Umma (Secure the People) jointly with FARDC in the areas of Kimua and Luvungi, on the border between Masisi and Walikale territories. In Walikale territory between 29 December 2010 and 7 January 2011, MONUSCO conducted Operation Hatua Yamana (Formidable Reach) jointly with FARDC in the Kimua-Ngenge area, an FDLR stronghold. The Mission also continued its efforts to enhance security in communities affected by FDLR and Mayi-Mayi Cheka where mass rapes and looting had been perpetrated between 30 July and 2 August (see paragraph 8 of my previous report (S/2010/512)), during the ongoing judicial investigations and in order to prevent reprisal attacks. Furthermore, MONUSCO undertook additional measures to enhance the protection of civilians and support Congolese judicial efforts to hold perpetrators to account in connection with the Kibua-Mpofi attacks. Those measures are outlined in paragraphs 39 to 42 and 63 of the present report.

7. In South Kivu between 18 and 30 November, MONUSCO conducted Operation Protection Shield in the Baraka-Fizi-Minembwe area in response to increased activity by FDLR and other armed groups, including the Forces républicaines fédéralistes and elements of the Burundian Forces nationales de libération, whose activities are reported to be increasing in the province. The operation was aimed at deterring activity by armed groups and enhancing the protection of local populations. The Mission also supported FARDC operations against FDLR in the Hauts Plateaux of Uvira, South Kivu, as well as in Mwenga, Walungu and Kalehe territories.

8. Action was also taken against the FDLR leadership outside the Democratic Republic of the Congo. On 11 October in Paris, French authorities arrested Callixte Mbarushimana, Executive Secretary of FDLR, on charges of crimes against humanity committed in the Democratic Republic of the Congo in 2009, under a

warrant issued by the International Criminal Court. On 21 December, a French court separately charged Mr. Mbarushimana with crimes against humanity for his alleged role in the 1994 genocide in Rwanda. On 17 December, German prosecutors announced that FDLR President Ignace Murwanashyaka and his deputy, Straton Musoni, who were arrested in November 2009, had been indicted on charges of crimes against humanity and war crimes allegedly committed in the eastern Democratic Republic of the Congo between January 2008 and July 2009.

9. Military and judicial pressure on FDLR contributed to continued progress with respect to FDLR desertions and voluntary participation in the MONUSCO disarmament, demobilization, repatriation, resettlement and reintegration process (see paragraph 55 below). However, the FDLR military leadership structure remained largely intact, and dispersed FDLR elements established presences in remote areas of eastern Maniema and northern Katanga provinces. In addition, the ability of FARDC to hold ground in areas freed from armed groups and to exploit operational successes remained limited. FDLR, Congrès national pour la défense du peuple (CNDP) deserters, Mayi-Mayi and other Congolese armed groups continued to forge loose alliances, in particular to gain or maintain control over illegal mining activities.

10. Armed groups continued to target civilians, particularly in Rutshuru and Masisi territories in North Kivu, and in Mwenga territory in South Kivu. In addition, human rights violations by elements of the national security forces continued to be reported in the context of ongoing military operations. Notably, on the night of 1-2 January, following a dispute between an element of FARDC and a civilian, FARDC elements carried out multiple exactions, including lootings, rape, torture, arrests and extortion, against the civilian population in Fizi town. MONUSCO immediately dispatched a patrol, on 2 January, and met with local officials of the Police nationale congolaise and FARDC. A mobile operating base was established in Fizi on 7 January, and a joint protection team mission was deployed on 8 January.

11. MONUSCO was also targeted. On 23 October, peacekeepers were attacked at their base in Rwindi, North Kivu, by some 50 armed Mayi-Mayi elements. In the ensuing firefight, eight assailants were killed, three were injured and four were captured by FARDC; MONUSCO suffered no casualties.

12. The reporting period was also marked by unauthorized movements and desertions of former CNDP elements integrated into FARDC. On 29 October, in an apparent show of discontent, some 100 integrated former CNDP elements gathered near Kavumu airport, 40 km from Bukavu in South Kivu. In consultation with FARDC, MONUSCO deployed a quick-reaction force to secure the airport. In a separate development, a number of integrated former CNDP elements boycotted the distribution of FARDC identification cards and uniforms in parts of North Kivu, protesting a lack of clarity about their military ranks. In addition, former CNDP elements were involved in the recruitment and training of new cadres, in particular in Masisi territory, where illegal taxation by the group resumed in some areas.

13. On 30 October, against this backdrop and in the face of continued expressions of dissatisfaction by signatory armed groups regarding the perceived failure of the Government to make progress on the implementation of the 23 March 2009 agreements, President Kabila signed a decree that extended the Government's stabilization and reconstruction plan to June 2011, and reactivated the Comité national de suivi overseeing the implementation of the agreements. On 23 November,

the rapporteur général of the Comité national de suivi met in Goma with representatives of armed group signatories, as well as with civil society and MONUSCO, to prepare for the relaunching of the Comité. In December, the political wings of CNDP and a faction of the Patriotes résistants congolais (PARECO) signed agreements to join the ruling political coalition, the Alliance pour la majorité présidentielle (AMP). CNDP and the PARECO faction had previously concluded an alliance.

14. In Beni territory, North Kivu, FARDC military operations under Operation Rwenzori continued against the Ugandan armed group ADF-NALU. MONUSCO is not involved in the planning or execution of the operations, and FARDC has not requested support for them. However, a MONUSCO military liaison presence will be placed in the Joint Coordination Centre established between FARDC and the Uganda People's Defence Forces (UPDF) in Beni. Operation Rwenzori continued to be associated with the displacement of some 60,000 people, as well as with reported human rights violations by ADF-NALU and some FARDC elements.

Orientale province

15. In Orientale province, attacks by the Lord's Resistance Army (LRA) involving looting and the abduction of civilians continued in the areas of Bangadi, Ngilima and Niangara in Haut Uélé district, as well as in the northern part of Ango territory, Bas Uélé district. Military operations by FARDC and UPDF against LRA continued. A joint intelligence operations cell became operational in Dungu, with the support of MONUSCO, to enhance coordination between FARDC and UPDF.

16. On 30 November, MONUSCO launched Operation Rudia Umbrella in the areas of Duru, Bangadi, Ngilima and Niangara in Haut Uélé, aimed at deterring further LRA action such as the massacres committed in December 2008 and January 2009. As part of the Operation, MONUSCO established several temporary forward bases from which to conduct extensive day and night patrols. In Bas Uélé, between 27 December 2010 and 13 January 2011, MONUSCO conducted Operation Kimiana Lombango (Swift Peace) in Ango and the surrounding area with the aim of facilitating humanitarian access to the area and deterring LRA attacks.

17. Efforts were also made to enhance coordination and information-sharing among partners in the LRA-affected areas. On 13 and 14 October, the African Union convened a regional inter-ministerial meeting in Bangui on LRA. Government representatives from the Central African Republic, the Democratic Republic of the Congo, the Sudan (including the regional government of Southern Sudan) and Uganda attended the meeting, together with senior officials from the United Nations peacekeeping and political missions in the Central African Republic, the Sudan, the Democratic Republic of the Congo and Chad, as well as from the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office for the Coordination of Humanitarian Affairs. As a follow-up, the African Union is considering the establishment of a regional task force on LRA. In a separate initiative, the United Nations missions in the Central African Republic, the Sudan, Chad and the Democratic Republic of the Congo developed a strategy for enhancing coordination and information-sharing on LRA, and harmonizing efforts to protect civilians. On 24 November, in line with legislation adopted earlier in the year, the President of the United States of America presented the United States Congress with

a strategy to support the disarmament of LRA focusing on, inter alia, regional multilateral efforts.

18. In Ituri district on 11 December, MONUSCO launched Operation Ituri Umbrella jointly with FARDC in Bogoro, Marabo, Idohu, Aveba and Bukiringi in southern Irumu territory, so as to increase pressure on two residual Ituri armed groups, the Front de résistance patriotique d'Ituri and the Front populaire pour la justice au Congo, and to enhance the protection of civilians.

Western provinces

19. In Equateur province, the situation remained mostly calm. However, reports of low-level activity by Enyele insurgents, now called the Mouvement de libération des indépendants et alliés, continued. MONUSCO maintained some 350 troops in the affected area who conducted patrols, including along the river between the Democratic Republic of the Congo and the Congo.

20. In Bandundu province, a radio appeal by the director of a local association, Fraternité des natifs de kikwit, led to riots by youths in Kikwit on 5 November to protest an attack on a logistics base of FARDC and the killing of two civilians by unknown armed elements on 2 November. The Vice-Prime Minister for the Interior and Security travelled immediately to the provincial capital to consult with local authorities, followed by the FARDC Chief of General Staff. A company of the Police d'intervention rapide dispatched to Kikwit was quickly able to restore order.

Political developments and institutions of Government and parliament

21. National political developments were dominated by preparations for the elections scheduled to begin on 27 November 2011 with the first round of presidential and national legislative polling. From 8 to 10 October, AMP held a retreat to discuss political strategy for the elections. From 10 to 14 December, the Union pour la démocratie et le progrès social organized its first pre-election congress in Kinshasa and endorsed the candidacy of its Chair, Etienne Tshisekedi, for the presidential elections. The opening ceremony of the congress was attended by representatives of a number of other opposition parties, including the Mouvement de libération du Congo, led by former Vice-President Jean-Pierre Bemba Gombo. In addition, on 14 December, the former Speaker of the National Assembly, Vital Kamerhe, announced his resignation from parliament and his intention to run for the presidency under a new opposition political party, the Union pour la nation congolaise (UNC). During a subsequent visit carried out by Mr. Kamerhe on 15 December to Goma, North Kivu, a gathering of his supporters was dispersed by the Police nationale congolaise. He was also prevented from holding a public rally in Bukavu the following day.

22. On 11 and 13 January, respectively, the National Assembly and the Senate adopted a motion to introduce proposed constitutional amendments, including changing the voting system for the presidential elections from a two-round to a one-round system. Other significant proposed amendments would allow the President to dissolve provincial parliaments and governments, and to introduce proposals for constitutional amendments without the prior concurrence of both chambers of parliament. While in accordance with the Constitution, the move to introduce the proposed amendments elicited negative reactions from a number of opposition and

civil society actors, and political opposition deputies withdrew and did not participate in the parliamentary voting.

23. With regard to legislative activity, parliament adopted an organic law on the Constitutional Court and laws on the code of the organization and jurisdiction of ordinary courts and on the procedure before the Court of Appeal. All three laws now await promulgation by the President.

24. The National Assembly also adopted three draft organic laws related to the reform of FARDC — on the general organization of defence; on the organization and functioning of the armed forces, and on the organization, funding and functioning of the Superior Council of Defence — as well as a draft organic law on the police. The draft laws are now to be considered by the Senate. On 15 December, both chambers adopted the 2011 national budget, which amounted to approximately $7 billion.

Humanitarian situation

25. An estimated 1.7 million people remained displaced in the Democratic Republic of the Congo, including some 1.3 million in the Kivus. In addition, new displacements occurred in the Kivus and in Katanga and Orientale provinces, while returns in the Kivus slowed as a result of continued insecurity. In Haut and Bas Uélé districts, where LRA continued to target civilians, approximately 300,000 people remained displaced as a result of the group's activity. On 18 and 19 November, a joint mission composed of MONUSCO, members of the United Nations country team and officials of international non-governmental organizations visited Ango, Bas Uélé, to assess the impact of LRA presence in the area and to identify opportunities to deliver humanitarian assistance there beginning in 2011. Local authorities have attributed to LRA some 37 attacks against civilians and the abduction of more than 300 children in Ango territory since March 2009.

26. On 29 October, a tripartite agreement was signed in Kampala among Uganda, the Democratic Republic of the Congo and UNHCR to facilitate the return of Congolese refugees from Uganda. In October, UNHCR completed the return of Congolese refugees from Zambia. Some 1,087 Congolese refugees have been repatriated from Burundi since the beginning of the process under the December 2009 tripartite agreement among the Democratic Republic of the Congo, Burundi and UNHCR, while more than 3,500 Burundian refugees in the Democratic Republic of the Congo were repatriated in 2010. Also in 2010, UNHCR facilitated the return of 10,625 refugees from Congo to Rwanda.

27. The new humanitarian action plan for the Democratic Republic of the Congo was launched on 9 December, outlining estimated humanitarian needs of $719 million for 2011. As at 31 December, the humanitarian action plan for 2010 had received pledges and commitments amounting to 60 per cent of a requested $828 million.

Regional developments

28. Following consultations held on 17 and 18 October in Kinshasa, the Ministers of Defence of the Democratic Republic of the Congo and Rwanda announced their satisfaction with the military operations against the armed groups in the Kivus and reaffirmed their intention to continue to work together to stabilize the security

situation in the region. A reciprocal visit by the Congolese Defence Minister to Kigali took place on 1 and 2 November. In addition, the Rwandan Defence Force Chief of Defence Staff, Lieutenant General Charles Kayonga, continued to meet regularly with his Congolese counterpart to discuss common security threats and strategies for addressing FDLR. Separately, on 2 December, the Minister of Defence of Uganda met with his counterpart in Kinshasa to discuss common security concerns, including the operations against ADF-NALU.

29. On 15 December, President Kabila and several other Heads of State from the Great Lakes region attended a special summit of the International Conference on the Great Lakes Region on mineral resources management and certification, held in Lusaka. The summit, which was also attended by the Deputy Secretary-General and my Special Representative for the Democratic Republic of the Congo, agreed on, inter alia, a regional certification mechanism to curb the illegal exploitation of natural resources, as well as the recently codified Organization for Economic Cooperation and Development due diligence guidelines for responsible supply chains for minerals from conflict-affected and high-risk areas.

30. Relations between the Democratic Republic of the Congo and Angola deteriorated in connection with their ongoing maritime border dispute. In addition, since September, more than 12,000 expulsions of Congolese nationals from Angola have been recorded. In November, joint missions to Bandundu and Kasai Occidental provinces, comprising MONUSCO, United Nations country team members and international non-governmental organizations, were informed by returnees from Angola that a number of the expulsions were associated with serious human rights violations, including detention, forced labour, sexual violence and beatings.

III. Joint assessment process

31. As outlined in my previous report, the United Nations and the Government have conducted an assessment of the situation on the ground and progress made towards the implementation of the objectives outlined in paragraph 6 of resolution 1925 (2010). The first phase of the joint assessment covered 71 territories and localities in the provinces of Equateur, Orientale, North Kivu, South Kivu, Maniema and Katanga, and was concluded in October. The exercise was characterized by excellent cooperation and communication between the Government and MONUSCO teams. The sites selected jointly for examination provided a representative sampling of conditions on the ground, with a particular focus on areas that have experienced armed conflict in the past and where armed groups are still present.

32. The results of site visits were carefully reviewed at the provincial and national levels, producing a common reading with respect to the threat posed by armed groups and ongoing military operations; the level of State capacity, including the degree to which civil administration, police, judicial institutions and national armed forces are present and functional; and major challenges to the protection of civilians. A common finding is that the Mission is in fact being deployed to the areas where its military assets are most needed.

33. With respect to the protection of civilians, the assessment process confirmed the continued, albeit somewhat reduced, threat posed by armed groups in areas where military operations are being conducted. The assessment exercise also highlighted other sources of threats against civilians, including the risk of the

re-recruitment of former combatants whose reintegration process was incomplete; violence related to competition over mineral resources; poaching; and conflicts over land tenure and customary leadership. The joint assessment noted human rights violations perpetrated by elements of the national security forces, but also acknowledged attempts by the authorities of the Democratic Republic of the Congo to bring perpetrators to justice.

34. The joint assessment provides for a common understanding of security conditions on the ground. The exercise continues, taking into account lessons learned to date and building on information thus far collected, to provide a sound basis for decisions on the Mission's deployments and security-related operations. Currently, the joint assessment process does not indicate the need for any reconfiguration of the mandate or the deployment of MONUSCO.

IV. Preparations for elections

35. Since the promulgation on 28 July of the law establishing the Independent National Electoral Commission, no agreement has been reached by the National Assembly regarding the proposed list of nominees for the Board of the Commission. The announced review of the electoral law by parliament also has yet to take place. In addition, the delimitation of electoral constituencies has yet to be completed.

36. On 20 November, the Independent Electoral Commission launched the voter registration process in Maniema province. To date, the process has been completed in Bas-Congo province and has been partially completed in Kinshasa. In the nine remaining provinces, however, the process was delayed by up to two months, owing in part to the late disbursement of Government funds, and is currently expected to begin in the first quarter of 2011.

37. As at 31 December, MONUSCO had distributed more than 1,600 tons of electoral materials to 12 hubs and 175 sub-hubs across the country. The materials will be further distributed by the Independent Electoral Commission to some 6,500 registration centres and additional sub-hubs. In addition, MONUSCO police plan to conduct training for territorial and anti-riot units of the Police nationale congolaise on election security.

38. With regard to funding, the European Union and Belgium announced contributions of 47.5 million euros and 12.5 million euros, respectively, for the general elections, leaving a funding gap of $25 million. Other donors have indicated their willingness to consider additional funding. The Government contribution is expected to amount to $154 million, or approximately 60 per cent of the budget estimated by the Independent Electoral Commission for the general elections.

V. Progress towards the achievement of the mandate of MONUSCO

Protection of civilians

39. Since my previous report, MONUSCO has reinforced existing efforts and initiated new approaches to protect civilians. The Mission has taken a number of measures to enhance communication with the local population and increase its

confidence in MONUSCO. This has included expanding the presence of MONUSCO troops in Walikale territory to six company or temporary operating bases, in Walikale, Kibua, Pinga, Mpofi, Kashebere and Buniampuli, and increasing the number of day and night patrols, including foot patrols. In addition, MONUSCO has developed new standard procedures for the Mission regarding the protection of civilians.

40. The Mission's Senior Management Group on Protection, which includes UNHCR, as protection cluster lead, and the Office for the Coordination of Humanitarian Affairs, endorsed the establishment of community alert networks. Such networks are aimed at enabling isolated communities in the eastern Democratic Republic of the Congo under imminent threat to contact local authorities and nearby MONUSCO military bases in order to request intervention. Under the initiative, the distribution of some 300 mobile phones to community focal points has begun. MONUSCO and partners also continued to work with the Government of the Democratic Republic of the Congo to encourage the expansion of mobile phone network coverage throughout the country.

41. Cooperating with international non-governmental organization partners, MONUSCO also stepped up its efforts to establish early warning systems in vulnerable areas. As part of those efforts, high-frequency radios will equip company or temporary operating bases and will be distributed in selected villages that lack mobile network coverage in the Kivus, as well as in Haut Uélé. Furthermore, MONUSCO deployed additional community liaison interpreters to cover five more locations in North Kivu.

42. The senior management of MONUSCO reviewed and identified gaps in the Mission's protection strategy and took steps to ensure regular follow-up to the decisions of the Senior Management Group on Protection. At the provincial level, such groups were established in Bunia and Dungu, Orientale province, and in Mbandaka, Equateur province, in addition to those in Goma, North Kivu, and in Bukavu, South Kivu.

Status of support for FARDC and the implementation of the conditionality policy

43. MONUSCO continued to apply its conditionality policy with respect to the provision of support to FARDC in keeping with procedures established by the Mission, despite a number of challenges outlined in paragraph 50 of my previous report (see S/2010/512). The Mission screened battalion commanders and the chains of command of units receiving support in Operation Western Thrust in Equateur province, as well as the FARDC operations supported by MONUSCO in Orientale province. The Mission also continued to support FARDC battalions in the context of Operation Amani Leo, primarily in South Kivu. On 11 November, following positive actions taken by FARDC to address several cases involving human rights violations committed in 2009, MONUSCO resumed its support for the 911th, or "Ours", Battalion in Haut Uélé, which had been suspended in June.

44. On 11 November, in follow-up to the recommendations of the inter-agency mission to assess the implementation by MONUC/MONUSCO of the conditionality policy, the Mission issued a standard operating procedure for the provision of support to FARDC and the Police nationale congolaise to ensure a uniform understanding of the policy and its implementation. Steps were also taken to

improve communication regarding the conditionality policy, both within the Mission and with relevant Congolese interlocutors.

Human rights

45. The human rights situation in the Democratic Republic of the Congo remained of grave concern. Despite expressions of renewed commitment by the Government, efforts aimed at the structural reform necessary to improve the human rights situation in the country remained inadequate. In the east, the United Nations Joint Human Rights Office continued to document violations of human rights and international humanitarian law by national security elements and armed groups, mainly FDLR and LRA, including acts of murder, sexual violence, looting and abduction.

46. New threats and acts of violence were perpetrated against human rights defenders, journalists and political opponents. On 29 September, two members of the human rights association Toges Noires who had been present at the arrest of a man accused of having thrown rocks at a presidential convoy in Kinshasa were taken into custody. They were released on 4 and 6 October, respectively, while the arrested man died in detention at a military camp in Kinshasa. Investigations by Congolese authorities into the circumstances of his death have made little progress. On 12 October, the Government lifted the suspension of Radio France Internationale signals throughout the Democratic Republic of the Congo that it had imposed on 26 July 2009.

47. On 12 November, the trial in the case of the killing, on 2 June, of human rights activist Floribert Chebeya Bahizire of the Congolese non-governmental organizations Voix des Sans Voix and the disappearance of his driver, Fidèle Bazana Edadi, began before a military court in Kinshasa. Five of the eight accused Police nationale congolaise officers appeared at the trial's first hearing. The whereabouts of the three others is unknown, and they are expected to be tried in absentia. The Congolese investigation into the case continues. The former Inspector General of the Police nationale congolaise, John Numbi, with whom Mr. Chebeya had an appointment on the eve of his death, remained suspended from his duties. Mr. Numbi has not been indicted in connection with this case, but he has appeared before the Court as a witness.

48. Between 16 and 21 October, following preliminary findings published on 24 September, the United Nations Joint Human Rights Office undertook further investigations into the Kibua-Mpofi attacks carried out from 30 July to 2 August. The investigations determined that at least 387 people, including 300 women, 23 men, 55 girls and 9 boys, had been raped by FDLR and Mayi-Mayi Cheka elements, and elements of a group formed the year before by an ex-CNDP officer and FARDC deserter, "Colonel" Emmanuel Nsengiyumva. In addition, at least 923 houses and 42 shops had been looted and 116 civilians abducted and subjected to forced labour.

49. Following the issuance of the report on the mapping exercise documenting serious human rights violations committed in the Democratic Republic of the Congo between 1993 and 2003, the Minister of Justice and Human Rights indicated in a press release issued on 2 October that the Government of the Democratic Republic of the Congo favoured establishing specialized chambers of a mixed character within Congolese jurisdiction. On 29 and 30 November, the Ministry of Justice and

Human Rights organized a workshop in Kinshasa on specialized chambers and non-judicial mechanisms of transitional justice.

50. Between 30 September and 10 October, a high-level panel convened by the Office of the United Nations High Commissioner for Human Rights visited the Democratic Republic of the Congo to address the issue of reparations for victims of sexual violence. In mid-December, the panel submitted to the Government its report, aimed at complementing efforts to promote justice by providing assistance and support to victims, and to advance a national strategy on sexual violence with regard to reparations.

Sexual violence

51. The United Nations system in the Democratic Republic of the Congo, in coordination with my Special Representative on Sexual Violence in Conflict, Ms. Margot Wallström, continued its efforts to address the high incidence of rape and other acts of sexual violence in the Democratic Republic of the Congo. In October and November alone, MONUSCO recorded nearly 2,000 reported incidents of sexual violence throughout the country.

52. MONUSCO and the United Nations country team worked closely with the Ministry of Gender, Family and Children in coordinating the implementation of the national strategy on sexual and gender-based violence. The Mission facilitated 16 coordination meetings in Kinshasa, Goma, Bukavu and Bunia with United Nations agencies, implementing partners, Government representatives and donors, aimed at streamlining interventions, evaluating progress and identifying gaps and programmatic coverage as well as funding needs. In addition, MONUSCO launched the pilot of a database compiling information on reported acts of sexual violence in Kinshasa and North Kivu, to improve the Mission's capacity to report and analyse trends in sexual violence.

Children and armed conflict

53. In 2010, MONUSCO facilitated the release of 2,006 children from national security forces and armed groups, 393 of whom had been separated from FARDC. However, evidence of the increased recruitment and re-recruitment of children by armed groups and national security elements, including integrated former CNDP elements, in particular in Masisi territory, remained a source of concern.

Illegal exploitation of natural resources

54. Cooperating with the Democratic Republic of the Congo Ministry of Mines, MONUSCO continued to support the establishment of mineral trading counters to combat the illegal exploitation of natural resources in the Kivus. The construction of counters in Isanga, Walikale territory; Rubaya, Masisi territory; and Mugogo, Rutshuru territory, is expected to be completed by February 2011. Additional resources will be required to complete the construction of the counter at Itebero, Walikale territory. In addition, MONUSCO conducted a three-week training course in Bukavu for 40 Police nationale congolaise elements who will provide security at the counters as soon as they become operational.

Disarmament, demobilization and reintegration/disarmament, demobilization, repatriation, resettlement and reintegration

55. Since October, some 940 individuals, including 290 Rwandan and 315 Congolese FDLR combatants, including 17 "officers", mainly from the Kivus and Katanga province, have participated in the disarmament, demobilization, repatriation, resettlement and reintegration programme. About one third of the FDLR combatants disarmed by MONUSCO have been children, primarily Congolese. Since the beginning of the year, 1,881 FDLR combatants have been demobilized, slightly fewer than the 1,997 demobilized in 2009. However, the demobilized "officers" have increased in number from 45 to 65 and have included higher-ranking commanders up to the level of "Colonel". A total of 2,323 individuals, including dependents, have been repatriated to neighbouring countries, with the majority of them having been returned to Rwanda. Nineteen LRA combatants have also been repatriated, but only two ADF-NALU combatants surrendered in 2010.

56. The positive trend was attributed to several factors, including the military operations in the Kivus, enhanced disarmament, demobilization and reintegration/repatriation and resettlement efforts targeting mid-level commanders, and judicial pressure on the FDLR leadership in Europe. MONUSCO also observed an increase in the surrender of Burundian combatants in the Democratic Republic of the Congo.

57. On 9 December, the funding board of the Stabilization and Recovery Funding Facility recommended a project for funding by the Peacebuilding Fund, to support the disarmament and demobilization of 4,000 residual elements of former armed groups in North and South Kivu.

Security sector reform

58. Concrete progress on security sector reform during the reporting period was very limited. MONUSCO continued efforts to harmonize security sector reform support for the Government of the Democratic Republic of the Congo. My Special Representative held consultations with senior Government officials and international partners aimed at enhancing strategic dialogue on security sector reform. MONUSCO also continued to convene working group meetings on security sector reform, which are now regularly co-chaired by officials of the country's relevant ministries.

59. In addition, MONUSCO began compiling information in order to map existing security institutions in the Democratic Republic of the Congo, including the location and capacities of the national army, the police, and the judicial and corrections systems across the country. The Mission also initiated the development of a matrix outlining national, bilateral and multilateral projects and programmes in support of the Government's reform plans for FARDC, the police, and the judicial and corrections systems.

60. The adoption by the National Assembly of the three organic laws relating to Army reform marked a step forward (see paragraph 24 above); although their adoption by the Senate and promulgation by the President are still awaited. MONUSCO is aware of only two bilateral training programmes for FARDC that have remained active.

61. On 5 October, MONUSCO launched preparations for a basic 45-day refresher basic training course for 500 Police nationale congolaise personnel at the Munigi training centre in North Kivu. Intensive training continued for some 500 newly integrated police personnel at the Kapalata training centre. However, financial support has yet to be received for the training, equipping and garrisoning of three police units as envisaged under a pilot project developed by MONUSCO, or for the equipping of three military police battalions in response to the Government's request (see my report of 30 March 2010 (S/2010/164)). The Security Council did not authorize MONUSCO to provide such support.

62. On 30 November, the Democratic Republic of the Congo authorities launched a police census process to assess the strength and the capabilities of the Police nationale congolaise with the support of the Mission's police component. In coordination with the interim Inspector General of the Police nationale congolaise, the Mission also worked with the European Union Police Mission in Kinshasa and other partners on the establishment of an implementation body for the reform of the Police nationale congolaise, developed by the steering committee for police reform. In addition, MONUSCO police appointed focal points at the provincial level to provide advice and support to the Police nationale congolaise reform process. As indicated in paragraph 24 above, the National Assembly adopted a draft organic law on the police, a critical element of the reform process.

Rule of law and corrections

63. On 7 October, further to the Government's request to MONUSCO to support the military tribunals of the Democratic Republic of the Congo by providing them with transport and communications equipment and reinforcing the capacity of their administration (see my report of 30 March 2010 (S/2010/164)), the Military Prosecutor requested assistance in carrying out investigations in connection with the Kibua-Mpofi attacks. Consequently, from 14 to 17 October, MONUSCO, the United Nations Development Programme (UNDP) and other partners conducted training for 24 Congolese magistrates and police officers. FARDC investigators were deployed to Walikale with the support of MONUSCO, UNDP and other partners to collect witness and victim testimonies from 28 October to 29 November. "Lieutenant Colonel" Mayele, a Mayi-Mayi Cheka commander suspected of being among those primarily responsible for the attack, remained in detention by Democratic Republic of the Congo authorities in Goma. Separately, in South Kivu on 16 December, the Military Prosecutor requested assistance in investigating alleged attacks by FARDC elements in Shabunda and Uvira.

64. Progress was also made towards the establishment of prosecution support cells, the first of which is being established in North Kivu with support from Canada. On 9 December, the funding board of the Stabilization and Recovery Funding Facility approved a project to support the establishment of two additional prosecution support cells to be funded by the Peacebuilding Fund. Furthermore, the United States provided a military justice expert to assist MONUSCO with the establishment of the cells.

65. At the national level, parliament adopted three organic laws relating to the organization of the legal institutions of the Democratic Republic of the Congo (see paragraph 23 above). One of the main objectives of the laws is the creation of a Constitutional Court and a Court of Appeal to replace the Supreme Court as

provided in the Constitution, and the revision of existing rules on the organization and the jurisdiction of ordinary courts. Among the Constitutional Court's responsibilities is the adjudication of electoral and referendum-related disputes. Separately, 200 of the nearly 1,000 newly appointed Congolese magistrates began work in Kinshasa. In addition, a draft of the United Nations multi-year joint justice support programme, developed jointly by MONUSCO, UNDP and the United Nations Office on Drugs and Crime, was shared with the Ministry of Justice and Human Rights.

66. The Corrections Unit of MONUSCO was significantly enhanced by the secondment to the Mission by Member States of some 50 corrections officers, more than half of whom have been deployed. This will support efforts to provide strategic direction to the Democratic Republic of the Congo prison administration with the aim of supporting structural reform, capacity-building and good prison management practices in conformity with international norms.

MONUSCO and United Nations country team stabilization and peacebuilding efforts

67. President Kabila's ordinance of 30 October extended the Government's stabilization and reconstruction plan for the eastern Democratic Republic of the Congo to two districts of Equateur province (see paragraph 13 above). On 11 November under the framework of the International Security and Stabilization Support Strategy for the eastern Democratic Republic of the Congo, which supports the plan, the first police station was inaugurated in Sake, North Kivu, and turned over to trained, newly integrated Police nationale congolaise elements. Another 25 facilities have also been completed and are expected to be staffed in the coming months. In addition, significant progress was made in rehabilitating 454 km of roads and bridges on three priority axes, namely, Bukavu-Shabunda and Bukavu-Hombo in South Kivu, and Sake-Masisi in North Kivu.

68. In response to the request by the Government of the Democratic Republic of the Congo for increased support for peace consolidation and development activities, MONUSCO, the United Nations country team and the World Bank developed, in consultation with donors, a concept note for the peace consolidation programme (see paragraph 75 of my previous report (S/2010/512)). The concept note proposes interventions in the areas of State-building, peacebuilding and decentralization based on two pillars: one for strengthening the rule of law and justice system, and a second for community recovery and access to basic social services. On 16 November, the Prime Minister endorsed the process and the content of the concept note. Under the peace consolidation programme, joint MONUSCO-United Nations country team offices are being established in Bas-Congo, Kasaï Orientale and Kasaï Occidental. Separately, MONUSCO and the country team agreed to revise the draft Integrated Strategic Framework in keeping with Government priorities.

VI. Observations

69. Developments since my previous report have continued to underline the many interrelated challenges facing the Government and the people of the Democratic Republic of the Congo. Extending and strengthening the rule of law, establishing and reinforcing legitimate State authority and providing essential services to the

population are constant priorities in many parts of the country. The Government of the Democratic Republic of the Congo continues to grapple simultaneously with the need to provide security for the population and eliminate the threat of armed groups, the need to fight impunity, and the need to establish the conditions and infrastructure needed for sustainable development. MONUSCO and the United Nations Country Team remain committed to assisting the Government and the people of the Democratic Republic of the Congo in accomplishing those tasks.

70. Reform of FARDC and the Police nationale congolaise is one of the essential elements for the consolidation of peace and stability. Decisions regarding the shape and the development of the security forces of the Democratic Republic of the Congo are a sovereign prerogative. I am, however, concerned about the lack of progress on FARDC training and about delays in the adoption of remaining key legislation on the reform of the army, police and judicial institutions. I welcome the Government's willingness to engage with my Special Representative on key security issues, including the support of MONUSCO for FARDC and the application of the conditionality policy, and the Mission's role in supporting the Government's security sector reform activities. I urge international partners to work with MONUSCO to identify possible opportunities for progress in this critical area.

71. I am encouraged by some of the positive indicators on the issue of the illegal exploitation of natural resources. The region and the international community have shown a growing willingness to act together through initiatives such as the Lusaka summit convened by the International Conference on the Great Lakes Region, as well as the formulation of international due diligence guidelines and national legislation. Such steps can help to create a supportive environment for the efforts of the Democratic Republic of the Congo itself — including the ban on mining activities in the Kivus and Maniema and the establishment of the trading counters — to prevent illegal exploitation that drives conflict and deprives the Democratic Republic of the Congo of revenues that would benefit the population. In addition, regular contact and improved relations between the Democratic Republic of the Congo and its eastern neighbours have created possibilities for more effective cooperation.

72. With the necessary will and commitment of the leaders of the Democratic Republic of the Congo, and the constructive engagement of civil society, these developments can help to create the environment needed to improve the situation in the country. Moreover, renewed efforts by all sides to address issues covered in the 23 March 2009 agreements should lead to new political approaches for addressing the long-standing causes of conflict.

73. The international community has continuously supported the democratic process in the Democratic Republic of the Congo over the past 10 years. This support continues as the country prepares for the crucial second post-transitional general elections, scheduled for 2011-2012. In recent months, Democratic Republic of the Congo actors have taken important steps in preparation for the elections. As candidates emerge and campaigning begins, I urge all parties to promote free and constructive debate respectful of democratic norms, and to ensure a credible and transparent electoral process that will fulfil the aspirations of the electorate. I am encouraged by the Government's continued commitment to the electoral timetable, and I urge all partners in this process to pursue preparations vigorously in order to ensure that the polls can take place as planned. I also encourage parliament to

expeditiously establish the new Independent National Electoral Commission and to enact the legislation required for the conduct of the polls in full compliance with the spirit and letter of the Constitution.

74. I welcome the Government's commitment to bearing a greater portion of the cost of the general elections. I encourage the Government to make available the resources that it has allocated, so as to avoid any further delays in the voter registration process and the preparations for the general elections. I also welcome the significant pledges by international partners to support the polls, and I urge all concerned to meet their commitments in a timely manner throughout the process. For their part, MONUSCO and the United Nations country team will continue to support this effort to the maximum extent authorized by the Security Council and the General Assembly. The fiscal constraints facing all Member States make it essential that the Secretariat and MONUSCO achieve the highest degree of effectiveness and efficiency in the use of resources, including in the area of electoral support. A logistical plan and a precise distribution of tasks between electoral authorities and MONUSCO need to be agreed upon if the Secretariat is to be able to make reliable estimates of the resources required and seek the approval of the General Assembly.

75. The protection of civilians continues to be an overriding imperative. I continue to be deeply concerned about the high levels of insecurity, violence and human rights abuses facing the population of the Democratic Republic of the Congo, particularly in the conflict-affected areas in the eastern part of the country. Looting, rape, forced labour and robbery remain daily occurrences in this region. The recruitment and abduction of children by armed groups are also of concern. Human rights violations by national security elements are frequently reported. Well-known structural deficiencies of the armed forces, including lack of training, supplies, equipment and logistical support, hinder the efforts of the Democratic Republic of the Congo authorities to impose discipline and bring perpetrators to justice. Those challenges are compounded by the incomplete and tenuous integration of CNDP and other Congolese armed groups into FARDC, and the involvement of some FARDC personnel in the illegal exploitation of natural resources.

76. I welcome the steps taken by the Government and judicial authorities to bring to justice the perpetrators of the horrendous crimes committed in July and August 2010 against civilians in Walikale territory, along the Kibua-Mpofi axis. The arrest, with the Mission's support, of one of the main alleged perpetrators was a positive development. I urge the Government and its international partners to extend the maximum possible support to the country's justice system and to swiftly address sexual violence and similar crimes committed against civilians.

77. As they pursue justice against FARDC personnel accused of crimes against civilians, the Democratic Republic of the Congo authorities should also explore, together with MONUSCO and other partners, possible incentives for FARDC commanders and troops to respect international human rights, humanitarian and refugee law.

78. Protecting civilians remains the sovereign responsibility of the Government. Meanwhile, MONUSCO has adopted a more robust posture and has continued to develop and carry out new approaches to civilian protection. Measures taken have focused on expanding patrols and improving their effectiveness, enhancing communication between MONUSCO troops and local populations, and enabling

local communities to warn authorities and the Mission of possible or impending attacks. The MONUSCO operations highlighted in the present report represent a major proactive effort by the Mission to contain the activities of armed groups, to deter them from attacking civilians and to reassure the population in sensitive areas of North and South Kivu and Orientale provinces.

79. MONUSCO has undertaken these military operations either on its own (but in close coordination with FARDC) or jointly with FARDC. It has improved upon procedures to ensure compliance with the conditionality policy wherever it has provided support for FARDC operations. At the same time, FARDC has conducted unilateral military operations against the armed groups without MONUSCO support.

80. Military operations must, however, be part of a broader set of actions that include a concerted effort to protect civilians. I urge all stakeholders to increase their coordination and their commitment to acting together to eliminate the threat of armed groups in the Democratic Republic of the Congo. While the physical protection of civilians should be a priority, numerous threats facing the civilian population in the Democratic Republic of the Congo and the instability that continues unabated in the east cannot be eliminated unless the underlying challenges are effectively addressed. These include establishing of effective State authority; building professional and adequately equipped and supplied security and rule-of-law institutions, in particular the armed forces, the national police and the judiciary; curbing the illegal exploitation of natural resources; addressing the weak or absent presence of the State; and neutralizing illegal foreign and local armed groups.

81. With regard to FDLR, the combination of military action and pressure on the diaspora leaders appears to have contributed to the steady flow of FDLR combatants, including officers, presenting themselves to the disarmament, demobilization, repatriation, resettlement and reintegration programme. In that connection, I welcome the steps taken by France to arrest FDLR Executive Secretary Callixte Mbarushimana on the basis of a warrant issued by the International Criminal Court, and the new indictments in Germany in connection with the arrest there of the FDLR President and his deputy in November 2009. I encourage other Governments in countries where FDLR leaders and support networks reside to take appropriate legal action against them.

82. As for LRA, I welcome the initiatives of the African Union in that regard and urge the States of the region and the broader international community to work together with the African Union to better define feasible steps towards a coordinated strategy aimed at protecting civilians from the LRA threat and, ultimately, eliminating the group's capacity to terrorize civilians.

83. The capacity of MONUSCO to protect civilians and to implement other core elements of its mandate is dependent on the availability of the necessary resources, in particular the number of military helicopters available to the Mission. The decline in that number is expected to accelerate early in 2011, when, according to information received by the Secretariat, letters of assist for 10 of the remaining military helicopters of MONUSCO will not be renewed. Without additional pledges from a contributor or contributors, the Mission will be left with only 10 military utility helicopters, 4 military observation helicopters and no attack helicopters. Civilian helicopters alone cannot fill the gap created by the loss of those military aircraft, which will diminish the Mission's ability to protect civilians and its own forces, to deter armed groups and to support a number of its temporary or company

operating bases in remote and high-risk areas. I appeal to Member States to contribute military helicopters as a matter of urgency in order to fill this critical capability gap.

84. I am pleased to note that the past several months have been characterized by steady and constructive communication among MONUSCO, the United Nations country team, the Government and a range of governmental and non-governmental actors in the Democratic Republic of the Congo. While constant efforts are required to reach out to key stakeholders and the public, current discussions on issues such as the justice reform programme, police training and reform, stabilization, and peace consolidation are encouraging. The successful conduct of the ongoing joint assessment process described in Section III of the present report has played an important part in that regard. The assessment process, including site visits by mixed teams and reviews at the provincial and national levels, has served as an important point of departure for dialogue between the Government and MONUSCO. This has allowed the Government and the Mission to develop a common understanding of the situation on the ground. The assessment process has also underlined the need for sustained international support for efforts to establish the rule of law and State authority throughout the country, but especially in areas emerging from conflict. The assessment process is continuing and will examine the situation in a number of additional areas. I will keep the Security Council informed of the process, as necessary, in my forthcoming reports.

85. Finally, I would like to express my appreciation to all MONUSCO civilian, military and police personnel, who support the stabilization effort in the Democratic Republic of the Congo under the leadership of my Special Representative, Mr. Roger Meece. My continued recognition goes to countries contributing troops and police to MONUSCO, as well as to their uniformed personnel. I would also like to express my appreciation for the work of the United Nations country team and the humanitarian community, as well as donor countries and multilateral and non-governmental organizations.

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19